

AN ACT

relating to the authority of emergency medical services personnel of certain emergency medical services providers to transport a person for emergency detention.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 573, Health and Safety Code, is amended by adding Section 573.0001 to read as follows:

Sec. 573.0001. DEFINITIONS. In this chapter:

(1) "Emergency medical services personnel" and "emergency medical services provider" have the meanings assigned by Section 773.003.

(2) "Law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure.

SECTION 2. Section 573.001(d), Health and Safety Code, is amended to read as follows:

(d) A peace officer who takes a person into custody under Subsection (a) shall immediately:

(1) transport the apprehended person to:

(A) [~~(1)~~] the nearest appropriate inpatient mental health facility; or

(B) [~~(2)~~] a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available; or

(2) transfer the apprehended person to emergency

1 medical services personnel of an emergency medical services
2 provider in accordance with a memorandum of understanding executed
3 under Section 573.005 for transport to a facility described by
4 Subdivision (1)(A) or (B).

5 SECTION 3. Sections 573.002(a), (d), and (e), Health and
6 Safety Code, are amended to read as follows:

7 (a) A peace officer shall immediately file with a facility a
8 notification of detention after transporting a person to that
9 facility in accordance with Section 573.001. Emergency medical
10 services personnel of an emergency medical services provider who
11 transport a person to a facility at the request of a peace officer
12 made in accordance with a memorandum of understanding executed
13 under Section 573.005 shall immediately file with the facility the
14 notification of detention completed by the peace officer who made
15 the request.

16 (d) The peace officer shall provide [~~give~~] the notification
17 of detention on the following form:

18 Notification--Emergency Detention NO. _____

19 DATE: _____ TIME: _____

20 THE STATE OF TEXAS

21 FOR THE BEST INTEREST AND PROTECTION OF:

22 _____

23 NOTIFICATION OF EMERGENCY DETENTION

24 Now comes _____, a peace officer with
25 (name of agency) _____, of the State of
26 Texas, and states as follows:

27 1. I have reason to believe and do believe that (name of person to

1 be detained) _____ evidences mental illness.

2 2. I have reason to believe and do believe that the above-named
3 person evidences a substantial risk of serious harm to
4 himself/herself or others based upon the following:

5 _____
6 _____
7 _____
8 _____

9 3. I have reason to believe and do believe that the above risk of
10 harm is imminent unless the above-named person is immediately
11 restrained.

12 4. My beliefs are based upon the following recent behavior, overt
13 acts, attempts, statements, or threats observed by me or reliably
14 reported to me:

15 _____
16 _____
17 _____
18 _____

19 5. The names, addresses, and relationship to the above-named
20 person of those persons who reported or observed recent behavior,
21 acts, attempts, statements, or threats of the above-named person
22 are (if applicable):

23 _____
24 _____
25 _____
26 _____

27 For the above reasons, I present this notification to seek

1 temporary admission to the (name of facility)
2 _____ inpatient mental health facility or
3 hospital facility for the detention of (name of person to be
4 detained) _____ on an emergency basis.

5 6. Was the person restrained in any way? Yes No

6 _____ BADGE NO. _____

7 PEACE OFFICER'S SIGNATURE

8 Address: _____ Zip Code: _____

9 Telephone: _____

10 _____

11 SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)

12 Address: _____ Zip Code: _____

13 Telephone: _____

14 A mental health facility or hospital emergency department may not
15 require a peace officer or emergency medical services personnel to
16 execute any form other than this form as a predicate to accepting
17 for temporary admission a person detained by a peace officer under
18 Section 573.001, [~~Texas~~] Health and Safety Code, and transported by
19 the officer under that section or by emergency medical services
20 personnel of an emergency medical services provider at the request
21 of the officer made in accordance with a memorandum of
22 understanding executed under Section 573.005, Health and Safety
23 Code.

24 (e) A mental health facility or hospital emergency
25 department may not require a peace officer or emergency medical
26 services personnel to execute any form other than the form provided
27 by Subsection (d) as a predicate to accepting for temporary

1 admission a person detained by a peace officer under Section
2 573.001 and transported by the officer under that section or by
3 emergency medical services personnel of an emergency medical
4 services provider at the request of the officer made in accordance
5 with a memorandum of understanding executed under Section 573.005.

6 SECTION 4. Subchapter A, Chapter 573, Health and Safety
7 Code, is amended by adding Section 573.005 to read as follows:

8 Sec. 573.005. TRANSPORTATION FOR EMERGENCY DETENTION BY
9 EMERGENCY MEDICAL SERVICES PROVIDER; MEMORANDUM OF UNDERSTANDING.

10 (a) A law enforcement agency and an emergency medical services
11 provider may execute a memorandum of understanding under which
12 emergency medical services personnel employed by the provider may
13 transport a person taken into custody under Section 573.001 by a
14 peace officer employed by the law enforcement agency.

15 (b) A memorandum of understanding must:

16 (1) address responsibility for the cost of
17 transporting the person taken into custody; and

18 (2) be approved by the county in which the law
19 enforcement agency is located and the local mental health authority
20 that provides services in that county with respect to provisions of
21 the memorandum that address the responsibility for the cost of
22 transporting the person.

23 (c) A peace officer may request that emergency medical
24 services personnel transport a person taken into custody by the
25 officer under Section 573.001 only if:

26 (1) the law enforcement agency that employs the
27 officer and the emergency medical services provider that employs

1 the personnel have executed a memorandum of understanding under
2 this section; and

3 (2) the officer determines that transferring the
4 person for transport is safe for both the person and the personnel.

5 (d) Emergency medical services personnel may, at the
6 request of a peace officer, transport a person taken into custody by
7 the officer under Section 573.001 to the appropriate facility, as
8 provided by that section, if the law enforcement agency that
9 employs the officer and the emergency medical services provider
10 that employs the personnel have executed a memorandum of
11 understanding under this section.

12 (e) A peace officer who transfers a person to emergency
13 medical services personnel under a memorandum of understanding
14 executed under this section for transport to the appropriate
15 facility must provide:

16 (1) to the person the notice described by Section
17 573.001(g); and

18 (2) to the personnel a completed notification of
19 detention about the person on the form provided by Section
20 573.002(d).

21 SECTION 5. Section 573.021(a), Health and Safety Code, is
22 amended to read as follows:

23 (a) A facility shall temporarily accept a person for whom an
24 application for detention is filed or for whom a peace officer or
25 emergency medical services personnel of an emergency medical
26 services provider transporting the person in accordance with a
27 memorandum of understanding executed under Section 573.005 files a

1 notification of detention completed by the peace officer under
2 Section 573.002(a).

3 SECTION 6. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 344 passed the Senate on
April 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 344 passed the House on
May 24, 2017, by the following vote: Yeas 146, Nays 0, two
present not voting.

Chief Clerk of the House

Approved:

Date

Governor